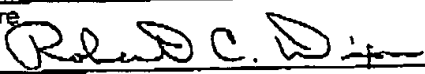



PTO:SB/53 (12-97)

Approved for use through 9/30/00. OMB 0651-0033

Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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REISSUE APPLICATION BY THE INVENTOR, OFFER TO SURRENDER PATENT		Docket Number (Optional) 226/132
<p>This is part of the application for a reissue patent based on the original patent identified below.</p> <p>Name of Patentee(s) Robert C. Dixon</p> <p>Patent Number 5,850,600 Date Patent Issued 12/15/1998</p> <p>Title of Invention Three Cell Wireless Communication System</p> <p>I am the inventor of the original patent.</p> <p>I offer to surrender the original patent.</p> <p>1. <input checked="" type="checkbox"/> Filed herein is a certificate under 37 CFR 3.73(b).</p> <p>2. <input type="checkbox"/> Ownership of the patent is in the inventor(s), and no assignment of the patent has been made.</p> <p>One of boxes 1 or 2 above must be checked.</p> <p>The written consent of all assignees owning an undivided interest in the original patent is included in this application for reissue.</p>		
Signature 		Date 4-5-00
Typed or printed name Robert C. Dixon		
The assignee owning an undivided interest in said original patent is <u>Omnipoint Corporation</u> and the assignee consents to the accompanying application for reissue.		
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application, any patent issued thereon, or any patent to which this declaration is directed.		
Name of assignee OMNIPOINT CORPORATION		
Signature of person signing for assignee 		Date 5/30/00
Typed or printed name and title of person signing for assignee David A. Miller, Vice President and Assistant Secretary		

Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Express Mail #EL524788042US
Docket No. 226/132
June 14, 2000

Patent
226/132

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Robert C. Dixon

U.S. Patent No.: 5,850,600

Filed: June 16, 1997

Issued: December 15, 1998

For: THREE CELL WIRELESS
COMMUNICATION SYSTEM

)
) Group Art Unit [Issued Patent]: 2745

)
) Examiner [Issued Patent]:
) Banks-Harold, M.

CONSENT TO THE REISSUE BY THE ASSIGNEE

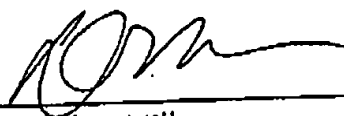
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

OMNIPOINT CORPORATION, assignee of U.S. Patent No. 5,850,600, consents to the filing of the present application for the reissue of U.S. Patent No. 5,850,600.

Dated: MAY 30, 2000

By: _____


David A. Miller
Vice President and Assistant Secretary
Omnipoint Corporation

Express Mail #E1524788042US
Docket No. 226/132
June 14, 2000

PTO/SB/51 (12-97)

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Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)

226/132

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed

in patent number 5,850,600, granted 12/15/98, and for which a reissue patent is sought on the invention entitled Three Cell Wireless Communication System

the specification of which

☒ is attached hereto.☐ was filed on _____ as reissue application number _____
and was amended on _____
(If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.☐ by reason of other errors.

At least one error upon which reissue is based is described as follows:

The attorney failed to appreciate the full scope of the invention and unduly restricted the invention by requiring that base stations in adjacent cells must each be assigned different frequencies for communication, and that user stations within adjacent cells have to also be assigned different frequencies for communication. The possibility of this error was first discovered after payment of the issue fee, but the attorney did not fully appreciate the proper scope of the invention until after conducting an investigation which was not completed until after the patent issued.

[Page 1 of 2]

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Express Mail #EL524788042US
Docket No. 226/132
June 14, 2000

PTO/SB/51 (12-97)
Approved for use through 9/30/00. OMB 0551-0033
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)
226/132

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Name(s) Registration Number

Steven D. Hemminger

30,755

Correspondence Address: Direct all communications about the application to:

☐ Customer Number

OR

Type Customer Number here

Place Customer Number Bar
Code Label Here
22749

PATENT TRADEMARK OFFICE

<input type="checkbox"/> Firm or Individual Name	Lyon & Lyon LLP				
Address	633 West Fifth Street				
Address	47th Floor				
City	Los Angeles	State	CA	ZIP	90071-2066
Country	U.S.A.				
Telephone	(408) 993-1555	Fax	(408) 287-2664		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)

Robert C. Dixon

Inventor's signature

Residence
14717 Perry Park DriveDate
4-5-00Post Office Address
Palmer Lake, Colorado 80133Citizenship
U.S.A.

Full name of second joint inventor (given name, family name)

Inventor's signature

Date

Residence

Citizenship

Post Office Address

Full name of third joint inventor (given name, family name)

Inventor's signature

Date

Residence

Citizenship

Post Office Address

☐ Additional joint inventors are named on separately numbered sheets attached hereto.

PATENT
226/132IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Group Art Unit [Issued Patent]: 2745
)	
Robert C. DIXON)	Examiner [Issued Patent]:
)	Banks-Harold, M.
U.S. Patent No. 5,850,600)	
)	
Filed: June 16, 1997)	
Issued: December 15, 1998)	
)	
For: THREE CELL WIRELESS)	
COMMUNICATION SYSTEM)	
)	

STATEMENT UNDER 37 C.F.R. §3.73(b)

Sir or Madam:

Attached herewith are documents evidencing a chain of title which establishes that OMNIPOINT CORPORATION is the present assignee of U.S. Patent No. 5,850,600. This patent is a continuation of Serial No. 410,901, filed March 27, 1995, now U.S. Patent No. 5,640,674, which in turn is a continuation of Serial No. 682,050, filed April 8, 1991, now U.S. Patent No. 5,402,413.

Exhibit A is a copy of the original assignment recorded for the grandparent of the present application, Serial No. 682,050, now U.S. Patent No. 5,402,413, which was recorded in the PTO on June 10, 1991 at Reel 5747, Frame 081.

Exhibit B is a copy of the PTO Notice of Assignment Recordation of the above document.

Exhibit C is a copy of the Change of Name and Address of Assignee from Omnipoint Data Company to Omnipoint Corporation recorded for the parent of the present application, Serial No. 410,901, now U.S. Patent No. 5,640,674, which was recorded in the PTO on August 20, 1996 at Reel 8095, Frame 0429.

PATENT
226/132

Exhibit D is a copy of the PTO Notice of Assignment Recordation of the above document.

Exhibit E is a copy of the Power of Attorney filed with this reissue application.

Respectfully submitted,

LYON & LYON LLP

Date: June 14, 2000

By: 

Steven D. Hemminger
Reg. No. 30,755
Attorneys for Applicant

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